

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

PATRICIA LYNN SMITH, et al.,

No. 2:24-cv-02268-DC-SCR (PS)

Plaintiffs,

v.

CITY OF SACRAMENTO, et al.,

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DENYING
MOTION FOR DEFAULT JUDGMENT

Defendants.

(Doc. Nos. 31, 46)

Plaintiffs Patricia Lynn Smith and Rashid Deshawn Deary-Smith are proceeding *pro se* in this civil action initiated on August 21, 2024. (Doc. No. 1.) This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On March 27, 2025, the assigned magistrate judge issued findings and recommendations recommending that Plaintiffs' motion for default judgment (Doc. No. 31) be denied because Defendants have filed motions to dismiss Plaintiffs' complaint, and therefore have not failed to defend against this action as required for default judgment under Federal Rule of Civil Procedure 55. (Doc. No. 46 at 2.) Those findings and recommendations were served on the parties and contained notice that any objections thereto were to be filed within fourteen (14) days from the date of service. (*Id.*) To date, no objections have been filed and the time in which to do so has passed.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a

1 *de novo* review of the case. Having carefully reviewed the entire file, the court finds the findings
2 and recommendations to be supported by the record and by proper analysis.

3 Accordingly,

4 1. The findings and recommendations issued on March 27, 2025 (Doc. No. 46) are
5 ADOPTED in full; and
6 2. Plaintiffs' motion for default judgment (Doc. No. 31) is DENIED.

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9 IT IS SO ORDERED.

10 Dated: June 4, 2025



11 Dena Coggins
United States District Judge

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